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10/812,615

03/29/2004

David Django Dexter

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EXAMINER

SAETHER, FLEMMING

ART UNIT

PAPER NUMBER

3677

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/812,615 | Applicant(s) DEXTER ET AL. | |
| | Examiner Flemming Saether | Art Unit 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31,32,34-38,40-42 is/are rejected.
- 7) ☒ Claim(s) 33 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

Claims 35, 36, 41 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 31 and 41 it is unclear what is intended by the "radial reach" since it is not a recognized term in the art. Claims 36 and 42 are generally confusing and indefinite for example in claim 2, it is unclear how a width can be measured at a point divided by a distance and there is no antecedent basis for "the contacting region" and it is unclear what it refers to. Claims 31 and 41 were examined as best understood but, an understanding could not be made with regards to claims 36 and 42 and as a result, they could not be considered as they relate to the prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31, 32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins (US 2,025,848). Collins discloses a snap ring having an interior contour comprising a first segment (9) with a first radius and second and third segments on opposite sides of the first segment extending to a gap (at 8) wherein the second and third segments have a same second radius which is clearly larger than the first

and with a different origin point. Also, since the second and third radius are spread apart (column 2, lines 8-10) they would not have a coincident point of origin.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toh (US 6,856,485) in view of Collins. Toh discloses an actuator arm comprising an actuator (29), an actuator pivot bearing (31) including a bearing groove wherein the upper surface of the bearing groove is read as an “actuator pivot bearing flange” and a snap ring (32) received in the groove but, does not disclose the specifics of the snap ring a claimed. Collins discloses a snap ring having an interior contour comprising a first segment (9) with a first radius and second and third segments on opposite sides of the first segment extending to a gap (at 8) with wherein the second and third segments have a same second radius which is clearly larger than a the first and with a different origin point. Also, since the second and third radius are spread apart (column 2, lines 8-10) they would not have a coincident point of origin. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to form the ring of Toh as shown in Collins because the ring as in Collins because a simple substitution of one known element for another to obtain predictable is obvious. See MPEP 2143.

Alternatively, the snap ring of Collins would be an improvement because it would require replacement upon servicing thus ensuring proper operation thereafter as discussed in Collins.

Claims 24 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins or Toh in view of Collins as applied to claims 31 and 37 above, and further in view of Corsmeier (US 4,934,888). Corsmeier disclose a snap ring having segments joined without a distinct radial step discontinuity. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to form the ring of Collins or modified Toh without a distinct radial step discontinuity as disclosed in Corsmeier in order to avoid sharp corners which may cause damage.

Allowable Subject Matter

Claims 33 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Flemming Saether
Primary Examiner
Art Unit 3677

/Flemming Saether/
Primary Examiner, Art Unit 3677